

Enabling Legislation

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Article - State Government – Department of Disabilities

§ 9-1101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Board" means the Interagency Disabilities Board.
- (c) "Commission" means the Maryland Commission on Disabilities.
- (d) "Department" means the Department of Disabilities.
- (e) "Disability" has the meaning stated in the federal Americans with Disabilities Act of 1990, 42 U.S.C. § 12102.
- (f) "Secretary" means the Secretary of Disabilities.
- (g) "Unit of State government" means any department, agency, office, commission, council, or other unit of the State within the Executive Branch of State government.

§ 9-1102.

- (a) There is a Department of Disabilities, established as a principal department of State government.
- (b) The Secretary is the head of the Department of Disabilities and shall:
 - (1) have extensive experience and knowledge of disability laws, legislation, regulations, and programs for individuals with disabilities;
 - (2) hold at a minimum a bachelor's degree;
 - (3) be an individual with a disability or appoint a deputy secretary who is an individual with a disability; and
 - (4) be appointed by the Governor with the advice and consent of the Senate.
- (c) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor. The Secretary shall advise the Governor on all matters assigned to the Department and is responsible for carrying out the Governor's policies on these matters.

(2) The Secretary is responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient operation of the Department.

(3) Subject to the provisions of this subtitle, the Secretary may establish, reorganize, or abolish areas of responsibility in the Department as necessary to fulfill the duties assigned to the Secretary.

(4) The Secretary is entitled to the salary provided in the State budget.

§ 9-1103.

(a) (1) With the approval of the Governor, the Secretary shall appoint a deputy secretary.

(2) The deputy secretary:

(i) serves at the pleasure of the Secretary;

(ii) is entitled to the salary provided in the State budget;

(iii) has the duties provided by law or delegated by the Secretary; and

(iv) shall be an individual with a disability, if the Secretary is not an individual with a disability.

(b) (1) In accordance with the State budget, the Secretary may employ a staff.

(2) Unless otherwise provided by law, the Secretary shall appoint and remove all other staff in accordance with the provisions of the State Personnel and Pensions Article.

(3) The Secretary may review any personnel action taken by any unit in the Department.

§ 9-1104.

(a) The Secretary is responsible for the budget of the Department.

(b) (1) The Secretary may adopt rules and regulations necessary to carry out the provisions of law that are within the jurisdiction of the Secretary.

(2) The Secretary shall adopt regulations for the Department and its units.

(c) (1) The Secretary shall review new or proposed changes to regulations, policies, programs, and services submitted by a unit of State government that relate to the

provision of resources and services to individuals with disabilities prior to public notification.

(2) The regulations shall include an assessment that describes the impact of the proposed regulations on individuals with disabilities.

(d) (1) The Secretary shall review, coordinate, and concur with applications for federal aid, waivers, or grants submitted by or through any units of State government when the applications are specific to disability services.

(2) Except as otherwise prohibited by law, the Secretary may apply for, receive, and use grants-in-aid, funds, or services from the federal government or any of its agencies, or any public or private source made available to the Department for use in carrying out the powers and duties of the Secretary or the Department.

(e) The Secretary may create citizens' advisory bodies that the Secretary considers necessary for the effective operation of the Department.

(f) Except as otherwise provided by law, the Secretary shall pay all money collected by the Department under this title into the General Fund of the State.

§ 9-1105.

(a) The Attorney General is the legal advisor to the Department.

(b) The Attorney General shall assign to the Department the number of assistant Attorneys General authorized by law to be assigned to the Department.

(c) (1) The Attorney General shall designate one of the assistant Attorneys General assigned to the Department as counsel to the Department and may not reassign that individual without consulting with the Secretary.

(2) The counsel to the Department shall have only the following duties:

(i) to give the legal aid, advice, and counsel required by the Secretary and any other official of the Department;

(ii) to supervise the other assistant Attorneys General assigned to the Department; and

(iii) to perform for the Department the duties that the Attorney General assigns.

(3) The counsel shall perform the duties under paragraph (2) of this subsection, subject to the control and supervision of the Attorney General.

§ 9-1106.

(a) The Department is the principal staff agency responsible for developing, maintaining, revising, and enforcing statewide disability policies and standards throughout the units of State government.

(b) In this capacity, the Department shall:

(1) serve as the principal advisor to the Governor on the means and methods available to:

(i) implement and fund support to individuals with disabilities in accordance with the State Disabilities Plan;

(ii) modify or consolidate support to individuals with disabilities; and

(iii) collaborate with federal, regional, and local units of government to enhance the effectiveness of the provision and funding of support to individuals with disabilities;

(2) Adopt regulations to implement the State Disabilities Plan as approved or amended by the Secretary in accordance with § 9-1117 of this subtitle;

(3) annually recommend to the Department of Budget and Management capital budget projects, for inclusion in the capital budget, to promote access to State-owned facilities for individuals with disabilities;

(4) assist units of State government to identify federal, State, local, and private funds available to the State for programs and services for individuals with disabilities; and

(5) provide technical assistance to local jurisdictions in planning and implementing collaborative strategies consistent with the State Disabilities Plan.

§ 9-1107.

Unless the disclosure of information is otherwise prohibited by law, each unit of State government shall provide:

(1) at the request of the Secretary, information regarding current programs and services for individuals with disabilities to the Secretary; and

(2) information regarding new or proposed programs and services for individuals with disabilities to the Secretary.

§ 9-1108.

(a) (1) By July 1 of each year, each unit of State government shall develop a unit plan to implement the State Disabilities Plan as approved or amended by the Secretary under § 9-1117 of this subtitle.

(2) The unit plan shall contain an implementation schedule and measurable strategic performance objectives.

(3) The Secretary may request amendments to a unit plan if the Secretary determines that the unit plan is not in accordance with the State Disabilities Plan.

(b) Each unit of State government shall provide the Department with an evaluation of the unit's performance in accordance with the unit's plan developed under subsection (a) of this section by July 1 of each year.

(c) The evaluation required by subsection (b) of this section shall:

(1) assess the unit's performance against the strategic performance objectives established under subsection (a)(2) of this section; and

(2) identify and measure:

(i) consumer satisfaction;

(ii) gaps in services;

(iii) numbers of individuals waiting for services; and

(iv) progress made on achieving performance objectives.

(d) The Secretary may provide technical assistance to any unit of State government to meet the requirements of this section.

(e) The Secretary may waive the requirements of this section for any unit of State government.

§ 9-1109.

There is a Maryland Commission on Disabilities.

§ 9-1110.

(a) The Commission consists of:

(1) the following members, appointed by the Governor:

(i) one individual with a physical disability;

- (ii) one individual who has experienced mental illness;
 - (iii) one individual with an intellectual disability;
 - (iv) one individual who is blind;
 - (v) one individual who is deaf or hard of hearing;
 - (vi) one parent or foster parent of a child with a disability;
 - (vii) four members of the general public who have disabilities;
 - (viii) three representatives from statewide disability advocacy organizations;
 - (ix) one representative from the home health care industry;
 - (x) one representative from a statewide organization of providers of services and support for individuals with disabilities;
 - (xi) one representative from the Alliance of Local Commissions on Disability; and
 - (xii) two representatives from the Interagency Disabilities Board selected by the Secretary, one of whom represents the Department of Budget and Management;
- (2) one representative from the Senate of Maryland, appointed by the President of the Senate; and
- (3) one representative from the Maryland House of Delegates, appointed by the Speaker of the House.
- (b) In making the appointments required under this section, the Governor shall appoint members from among:
- (1) the geographic regions of the State; and
 - (2) diverse backgrounds.
- (c) A majority of the members shall be individuals with disabilities.
- (d) (1) The term of a member is 3 years.
- (2) The terms of the members are staggered as required by the terms provided for the members of the Commission on July 1, 2004.

(e) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(f) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(g) A member may not serve more than two consecutive 3-year terms.

(h) Any member who fails to attend at least 50% of the regularly scheduled meetings during any 12-month period shall be considered to have resigned.

(i) From among the members of the Commission, the Governor shall designate a chairman for a 2-year term.

§ 9-1111.

(a) A member of the Commission:

(1) may not receive compensation; but

(2) if the Secretary approves, is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(b) The Department shall provide staff to the Commission as necessary.

§ 9-1112.

(a) Members of the Commission shall:

(1) advise the Department in carrying out its duties;

(2) meet at least twice a year in meetings open to the public; and

(3) serve on subcommittees established by the Secretary to carry out the mission of the Department.

(b) Notwithstanding any other provision of law, a subcommittee of the Commission created in accordance with subsection (a) of this section shall be considered a public body under § 10-502(h) of this article.

§ 9-1113.

(a) There is an Interagency Disabilities Board convened by the Governor.

(b) The purpose of the Board is to develop the State Disabilities Plan.

§ 9-1114.

- (a) The Board shall consist of the following members:
- (1) the Secretary of Disabilities, who shall serve as chairman of the Board;
 - (2) the Secretary of Aging, or the Secretary's designee;
 - (3) The Secretary of Business and Economic Development, or the Secretary's designee;
 - (4) the Secretary of Budget and Management, or the Secretary's designee;
 - (5) the Secretary of Health and Mental Hygiene, or the Secretary's designee;
 - (6) the Secretary of Housing and Community Development, or the Secretary's designee;
 - (7) the Secretary of Human Resources, or the Secretary's designee;
 - (8) the Secretary of Labor, Licensing and Regulation, or the Secretary's designee;
 - (9) the Secretary of Planning, or the Secretary's designee;
 - (10) the State Superintendent of Schools, or the Superintendent's designee;
 - (11) the Secretary of Transportation, or the Secretary's designee;
 - (12) the Special Secretary for Children, Youth and Families, or the Special Secretary's designee;
 - (13) the Director of the Governor's Office of the Deaf and Hard of Hearing, or the Director's designee; and
 - (14) representatives from any other unit of State government as the Governor may designate.

- (b) The Department shall provide staff to the Board as necessary.

§ 9-1115.

- (a) The chairman shall direct the work of the Board.
- (b) The Board is charged with:

- (1) providing ongoing examination of the structure and organization of the State's system of services and support to individuals with disabilities to ensure equal access to support services and resources by individuals with disabilities;
- (2) facilitating the development of performance objectives that will result in a comprehensive, effective, efficient, and integrated service delivery system for individuals with disabilities;
- (3) developing an interagency funding approach to maximize efficiencies and streamline access to services and support for individuals with disabilities;
- (4) formulating policies on legislative issues and, under the direction of the Governor, communicating the policies to the General Assembly; and
- (5) developing the State Disabilities Plan.

(c) The chairman may establish subcommittees of the Board to carry out the responsibilities under this section.

§ 9-1116.

(a) The State Disabilities Plan shall provide for the coordination of support services that:

- (1) assure compliance with the federal Americans with Disabilities Act and other relevant federal and State provisions intended to protect the civil rights of individuals with disabilities;
- (2) are necessary for individuals with disabilities to achieve maximum participation in the mainstream of the community in the most integrated setting possible; and
- (3) address, on a statewide basis, the improvement of:
 - (i) the capacity of communities to support individuals with disabilities with personal attendant care and other long-term care options that are self-directed;
 - (ii) the availability of accessible, integrated, and affordable housing options;
 - (iii) reliable transportation options;
 - (iv) employment and training options, including self-employment and noncongregant competitive opportunities available in an integrated environment in which there are individuals with and without disabilities;

- (v) somatic and mental health options;
- (vi) accessible and universally designed technology;
- (vii) support services for children, youth, and their families to enable them to achieve successful learning; and
- (viii) family support services, including respite care.

(b) The State Disabilities Plan shall assess the provision of and resources for support services for individuals with disabilities.

§ 9-1117.

(a) The Secretary shall review the State Disabilities Plan developed by the Board in accordance with § 9-1116 of this subtitle.

(b) The Secretary may approve or amend the State Disabilities Plan if the Secretary determines that the State Disabilities Plan developed by the Board is not in accordance with § 9-1116 of this subtitle.

(c) The Secretary shall adopt regulations to implement the State Disabilities Plan as approved or as amended in accordance with subsection (b) of this section.

(d) The Secretary shall submit an annual analysis of the State's progress in implementing the State Disabilities Plan and related performance objectives to the Governor and, in accordance with § 2-1246 of this article, to the General Assembly on or before October 1 of each year.

§ 9-1118.

The Department shall oversee and administer the following programs:

- (1) constituent services and ombudsmen programs; and
- (2) the Assistive Technology Guaranteed Loan Program under Article 41, Title 14, Subtitle 9 of the Code.